

IN THE
UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
ILLINOIS WESTERN DIVISION

FILED
JANUARY 3, 2008
MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

JAMES RUSSELL JOHNSON

In re: *James Russell Johnson, detainee.*

Plaintiff/Detainee,

- Vs. -

Case No.:

08-050002

jc/pala

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MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

STATE OF ILLINOIS,
WINNEBAGO COUNTY SHERIFF:
RICHARD MEYERS
420 West State Street
Rockford, Illinois. 61101;

Respondent,

EMERGENCY PETITION FOR
HABEAS CORPUS RELIEF

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JANUARY 2, 2008
MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

NOW COMES James Russell Johnson, hereinafter referred to as Plaintiff/Detainee, to move this Honorable Court with an Emergency Petition for Habeas Corpus Relief pursuant to United States Code, Title 28, *Chapter 153, § 2254, et seq.* . In support thereof, Plaintiff represents whereas:

1. That the Plaintiff is not incarcerated pursuant to any judgment or conviction of the State of Illinois;

2. That the Plaintiff was initially arrested by a warrant as facilitated through an indictment based upon false pretense. Case number 2003-CF-2192, as per an alleged charge of aggravated driving while drivers license is revoked. A second warrant was again facilitated through an indictment within 2007, for an additional indictment of aggravated driving while drivers license is revoked based upon false pretense. Both aforementioned aggravated and enhanced traffic indictments were allegedly pursuant to the Illinois Vehicle Code 625 ILCS 5/6-303(a)(d)(d-1)(d-2)(d-3);

(See: Annexed Memorandum of Law)

3. That the detainee is being imprisoned in a purported "pre-trial imprisonment", by the "People of the State of Illinois", via the Winnebago County Sheriff, Richard Meyers, at 650 West State Street; Rockford, Illinois. 61101;

4. That the detainee has in excess of 700 actual days of alleged "*pre-trial*" incarceration, as per Winnebago County 17th Judicial Circuit Case Number: 2003CF2192; and has been within "*pre-trial*" incarceration for a period in excess of 35 days as per 2007CF1671. Further that:

a.) The detainee is being illicitly imprisoned and subject to extended involuntary servitude in purported "*pre-trial custody*" and being deprived of [his] protected life and liberty interests, as clothed under the color and guise of legitimate State Law and Procedure; pursuant to Class A misdemeanor charges of Driving while drivers license is revoked, wrongfully enhanced into Class 4 felony aggravated driving while drivers license is revoked charges. In violation of the equal protection, due process and probable cause provisions as enunciated within United States Constitutional Amendments: IV.; VIII.; XIII., § 1., XIV. § 1 ;

b.) The detainee is currently under an excessive bond for the aforementioned charges, totaling \$250,000.00 for essentially "traffic charges", subjecting the detainee to cruel and unusual and extended "*pre-trial*" confinement, a form of involuntary servitude. Such actions are violative of the United States Constitutional Amendments IV.; VIII.; XIII., § 1., XIV. § 1 ;, et al;

5. That there has been a willful and specific intent to deprive the detainee of [His] Constitutional rights. Further that:

a.) While being clothed in the authority of State Law and local County Government Authority, under the color and guise of legitimate State Law and Legal Procedure; a specific wrongdoer knowingly and intentionally perfected an illegitimate affidavit based upon false information, to gain a wrongfully enhanced Class 4 felony aggravated driving while drivers license is revoked indictment against the detainee; (*SEE: Memorandum of law annexed hereto.*)

b.) The indictment is invalid on its face, as can be shown and verified with both documentary and testimonial evidence;

Honorable Court to hear and grant this pleading for Emergency Habeas Corpus Relief, to heretofore release the Plaintiff from unlawful and extended imprisonment;

PLAINTIFF/DETAINEE humbly prays for any just and equitable relief this Court further deems to be fair and appropriate.

Respectfully Submitted;

By: James Russell Johnson
Mr. James Russell Johnson
Plaintiff-Detainee

12-29-07